



State of Ohio Environmental Protection Agency

OHIO E.P.A.

**STREET ADDRESS:**

Azarus Government Center  
1 S. Front Street  
Columbus, OH 43215-1099

TELE: (614) 644-3020 FAX: (614) 644-3020

SEP 13 2002

**MAILING ADDRESS:**

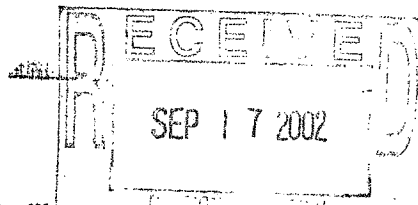
P.O. Box 1049  
Columbus, OH 43216-1049

Certified Mail

September 13, 2002

American Energy Corporation  
Attn: Robert D. Moore, President  
43521 Mayhugh Hill Road  
Township Highway 88  
Beallsville, Ohio 43716

ENTERED DIRECTOR'S JOURNAL



I certify this to be a true and accurate copy of the  
official document as filed in the records of the Ohio  
Environmental Protection Agency

By Zona L. Clements Date 9/13/02

Re: Belmont County / Wayne Township  
Grant of Section 401 Water Quality Certification (Preferred Design Alternative)  
Project to expand an existing valley fill coarse coal refuse disposal facility  
Ohio EPA ID No.020724

Ladies and Gentlemen:

The Director of Ohio Environmental Protection Agency hereby authorizes the above referenced project under one or both of the following authorities.

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, the Director of Ohio Environmental Protection Agency hereby certifies that the above-referenced project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

Ohio Isolated Wetland Permit

Pursuant to Ohio Revised Code Chapter 6111 and Ohio Administrative Code Chapter 3745-1, and other applicable provisions of state law, the Director of Ohio Environmental Protection Agency hereby concludes that the above-referenced project will comply with the applicable provisions of Sections 6111.03 and 6111.04 of the Ohio Revised Code.

This authorization is specifically limited to a Section 401 Water Quality Certification and/or Ohio Isolated Wetlands permit with respect to water pollution and does not relieve the applicant of further certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Piney Creek watershed (05030106) as authorized by this certification/Ohio Isolated Wetlands Permit is necessary. I have made this determination based upon the consideration of all public comments, and including the technical, social, and economic considerations concerning this application and its impact on waters of the state.

Bob Taft, Governor  
Maureen O'Connor, Lieutenant Governor  
Christopher Jones, Director

## II. Impacts

- A. Streams- 7,161 linear feet of intermittent stream and 2,002 linear feet of ephemeral stream
- B. Wetlands- 1.8 acres

## III. Mitigation

- A. Streams-
  - 1. Preservation of 6,688 ft, comprised of 2,678 feet of Long Run (Exceptional Warmwater Habitat), 1,710 feet of unnamed Stream D, 1,690 feet of unnamed Stream C, and 610 feet of Stream E, via conservation easement.
  - 2. Enhancement to 4,483 feet of Piney Creek, comprised of 1,970 ft south of site and 2,513 feet north of site, via planting of trees and shrubs in the riparian zone, per page M2 of the applicants mitigation plan and drawing 20.
- B. Wetlands- Creation and preservation via conservation easement of 2.66 acres of wetland. The wetland shall be created from the existing abandoned freshwater pond, by the lowering of the dam and planting of wetland vegetation.
- C. Buffers - The site will be graded to provide more gentle slopes to reduce the amount of siltation reaching the wetland. The 50 ft wide perimeter buffer will be planted with hardwoods, conifers and grasses, according to the Wetland Construction Drawing #20.

## IV. Monitoring

- A. Streams - QHEI's should be performed annually on each of the 6 reaches under conservation easement, with the goal of improving the existing QHEI of each reach, at the end of 5 years.
- B. Wetlands- Per the applicant's monitoring plan (pages M8, M10)

If necessary, Ohio EPA may make recommendations to improve the wetland. The applicant is responsible for undertaking any reasonable modifications identified by Ohio EPA.

Within five (5) years after completion of construction of the mitigation wetlands dedicated for the Century Mine project, the applicant shall have developed a minimum of 2.66 acres of jurisdictional Category 2 and/or 3 non forested wetlands.

**Monitoring Criteria:**

The reports shall contain, at a minimum, the following information:

**As-built Drawings:** An 8.5 by 11 inch as-built drawing of the mitigation wetland (first year only).

**Water Chemistry Monitoring:** A grab sample shall be collected in May of each monitoring year in each wetland mitigation area. The samples shall be analyzed for ammonia, nitrates, nitrite, carbon, total sulfates, total iron, total manganese, specific conductivity, pH, turbidity, total suspended solids, heavy metals and biochemical oxygen demand.

**Hydrology Monitoring:** Water level data shall be collected in May and late August of each monitoring year. Ground water levels shall be measured in the absence of inundated conditions.

**Soils Monitoring:** A minimum of one soil probe or test pit per acre of mitigated wetland shall be collected. Describe the soil profile and hydric soil indicators. Indicate the soil map unit name (soil series and phase) and the taxonomic subgroup.

**Vegetation Monitoring:** The location and name of each plant community type within the mitigation area and buffer area shall be marked on a scaled drawing or scaled aerial photograph (base map) and named.

A representative observation point shall be selected in each plant community type in each distinct wetland mitigation area. This shall be a point which best represents the characteristics of the entire plant community. The observation points shall be marked on the base map.